United Nations E/C.19/2008/L.3

# Economic and Social Council

Distr.: Limited
28 April 2008

Original: English

**Permanent Forum on Indigenous Issues**
**Seventh session**
New York, 21 April-2 May 2008
Item 6 of the provisional agenda*
**Half-day discussion on the Pacific**

## Recommendations on the half-day discussion on the Pacific

1. The Pacific region is home to a diverse range of indigenous peoples, who speak 19 per cent of the world's estimated more than 6,000 languages. Indigenous peoples in the Pacific Islands are still linked to their communal land, indigenous belief systems, spirituality and customary law, which form the social, economic and political basis for peaceful coexistence.

2. Indigenous peoples in the Pacific region face a range of challenges because they are living in sensitive zones where the effects of climate change are most devastating. The region is subjected to the impact of global warming, caused by excessive fossil fuel burning, atmospheric pollution and deforestation of the land. Many small island States do not have access to and do not benefit from the transfer of technology. Migration is another issue. Many indigenous peoples are either migrating to other countries in the region or are experiencing the intrusion of migrants on their indigenous territories. Furthermore, many indigenous peoples are becoming environmental refugees, which is a serious and pressing issue.

3. The Permanent Forum notes the urgent need for technical assistance and development cooperation in the Pacific region in order to build the capacity of Pacific Island nations to implement human rights standards and develop local institutions to promote human rights. This should be accompanied by efforts to promote increased ratification of human rights treaties within the region and their domestic implementation.

4. The Permanent Forum recommends that the Pacific States endorse and implement the Declaration on the Rights of Indigenous Peoples.

5. The Permanent Forum recommends that an expert seminar be held, without financial implications, and invites the participation of the Committee on the Elimination of Racial Discrimination and the Special Committee on Decolonization, to examine the impact of the United Nations decolonization process on indigenous

* E/C.19/2008/1.

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peoples of the Non-Self-Governing Territories which are now or have been listed on the United Nations list of Non-Self-Governing Territories. The Permanent Forum requests that independent experts and the United Nations Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples be invited to participate in the seminar. Furthermore, the Forum requests that indigenous peoples under Non-Self-Governing Territories status also be invited.

6. The Permanent Forum urges United Nations bodies and specialized agencies to implement the Programme of Action for the Sustainable Development of Small Island Developing States.

7. The Permanent Forum expresses its concern for the human rights of indigenous peoples in the Non-Self-Governing Territories in the Pacific region and calls on the United Nations Human Rights Council to designate a Special Rapporteur on the Situation of Indigenous Peoples of those territories.

8. The Permanent Forum invites the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples to examine and report on the situation of the human rights of indigenous peoples in Non-Self-Governing Territories of the Pacific region and urges relevant States to cooperate with the Special Rapporteur for that purpose.

9. The Permanent Forum is concerned that the regional presence, representation and services of United Nations agencies in the Asia-Pacific region are limited mostly to the Asian subregion and recommends that all United Nations agencies review their operations to provide equal services to the Pacific subregion and that they identify their operations separately according to the two subregions.

10. The Permanent Forum decides to appoint, without financial implications, Hassan Id Balkassm and Paimaneh Hasteh as Special Rapporteurs to undertake a study to determine whether climate change policies and projects adhere to the standards in the Declaration on the Rights of Indigenous Peoples and that the Human Rights Council expert mechanism on the rights of indigenous peoples and the Inter-Agency Support Group on Indigenous Issues be invited to participate in the study and requests they provide the Permanent Forum with an outline of the study at its eighth session and a report thereon at its ninth session.

11. The Permanent Forum calls on the World Bank to activate the *2005 Extractive Industries Review* in order to address the impact and legacy of extractive industries on indigenous lands, territories and resources.

12. The Permanent Forum invites the Chairman of the Special Committee to report on the decolonization process within the Pacific region to the Permanent Forum at its eighth session in 2009.

13. The Permanent Forum recommends that the United Nations High Commissioner for Refugees ensure a significant focus on refugee issues in the Pacific region, giving particular attention to the vulnerability of indigenous peoples in that region.

United Nations E/C.19/2008/L.4

# Economic and Social Council

Distr.: Limited
28 April 2008

Original: English

## Permanent Forum on Indigenous Issues

**Seventh session**
New York, 21 April-2 May 2008
Item 4 of the provisional agenda*
**Implementation of the recommendations of the six mandated areas of the Permanent Forum and on the Millennium Development Goals**

### (a) Economic and social development

1. The Permanent Forum reconfirms that the right to water is a part of fundamental human rights and calls for the development of international standards for the use, management and regulation of water.

2. The Permanent Forum urges that the private sector and its regulators incorporate the rights of indigenous peoples, recognized in the United Nations Declaration on the Rights of Indigenous Peoples, into their plans for economic development in indigenous territories. In preparing for new ventures, governments and business should take account of the stakeholder rights of indigenous people, in particular their land rights and their broader human rights, observing the principle of free, prior and informed consent.

3. The Permanent Forum welcomes the United Nations Development Group guidelines on indigenous peoples' issues and encourages United Nations agencies to actively disseminate, promote and implement those guidelines, particularly among their country offices. In that regard, the Forum urges the Development Group to give priority to the promotion, use and implementation of the Declaration on the Rights of Indigenous Peoples as the most universal, comprehensive and fundamental instrument on indigenous peoples' rights, and to fully reflect this in the next edition of the Development Group guidelines. The Forum also recommends that donor agencies consider providing financial assistance to implement the guidelines.

4. The Permanent Forum urges States and State-owned corporations to consult and cooperate in good faith with the indigenous peoples concerned in order to obtain their free, prior and informed consent before the approval of any policies, plans and projects affecting their lands or territories and other resources, particularly in connection with the development, utilization or exploitation of minerals, water

* E/C.19/2008/1.

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and other resources, in accordance with the Declaration on the Rights of Indigenous Peoples.

5. The Permanent Forum welcomes the global synthesis report on indicators of indigenous peoples' well-being, poverty and sustainability (E/C.19/2008/9), which is the culmination of efforts by the United Nations system and indigenous peoples' organizations over the past several years. The Permanent Forum invites the United Nations system, including the United Nations Development Group and the Inter-Agency Support Group, the donor community, States, indigenous peoples, non-governmental organizations and the private sector to use those indicators as a guide in programmes and projects directly or indirectly affecting indigenous peoples and their communities, in accordance with the standards set by the Declaration on the Rights of Indigenous Peoples.

6. The Permanent Forum once again reiterates its concern that reports developed and presented by many States on the implementation of the Millennium Development Goals and poverty reduction strategy papers still do not adequately include and address indigenous peoples, nor do they include their participation, and therefore calls on States to rectify this situation and on United Nations agencies to support their efforts. Furthermore, the Forum encourages the United Nations Development Programme (UNDP) to integrate indigenous peoples' issues into the global, regional, national and local human development reports, and in particular to include indigenous experts in preparing those reports and to guarantee that indigenous peoples' issues are mainstreamed in them.

7. In order to improve the implementation of its recommendations, the Permanent Forum calls upon United Nations agencies to ensure that there are systems in place to share information with and distribute information to indigenous peoples at the local level so that they have the opportunity to engage with the work of the United Nations at the country level and express their views and concerns and implement their policies. The Forum also encourages indigenous peoples' organizations to engage actively with the United Nations system at the country level and urges United Nations resident coordinators' offices to engage with indigenous peoples' organizations and representatives and ensure their active participation and consultation in policy dialogues at the national level.

8. The Permanent Forum commends existing small-grant schemes and programmes, since they often enable indigenous peoples' organizations to play an active role in implementing the Forum's recommendations. The Forum encourages the United Nations system to develop small-grant schemes and to increase the level of funding aimed directly at indigenous peoples and also to continue establishing mechanisms to ensure that they effectively reach and benefit indigenous peoples at the local level and provide funds directly to indigenous organizations for socioculturally appropriate project implementation.

9. The Forum urges UNDP to strengthen its institutional capacity on indigenous peoples' issues by establishing a task force to serve as a liaison mechanism between headquarters and focal points on indigenous issues at the country level. Furthermore, the Forum recommends that these focal points be specialists on indigenous peoples' issues.

10. The Permanent Forum encourages the Food and Agriculture Organization of the United Nations (FAO), jointly with other United Nations agencies, to support the

consolidation of the already established communication platforms in Latin America and Canada and to establish platforms in Asia and Africa and the Pacific. The Forum recommends that FAO and other agencies strengthen the reporting and monitoring mechanisms for the communication platforms, especially with a view to supporting indigenous peoples with a monitoring mechanism for their territories.

11. The Permanent Forum encourages FAO and other relevant agencies to favour and promote in member countries the acknowledgement and improvement of land tenure legal frameworks to recognize indigenous peoples' land rights. The Permanent Forum recommends that FAO and other relevant United Nations agencies support activities for participatory delimitation and titling where the legal framework recognizes indigenous land rights. FAO should pay special attention to indigenous peoples' customary laws regarding land.

12. The Permanent Forum recommends that the International Labour Organization (ILO) continue to work with the Permanent Forum, United Nations agencies, financial institutions, bilateral donors and other interested parties to further the inclusion of indigenous peoples' rights in high-level development policies and poverty reduction strategy papers, such as by raising indigenous peoples' issues with the Organization for Economic Cooperation and Development and its related Development Assistance Committee.

13. The Permanent Forum recommends that ILO, in accordance with the Declaration on the Rights of Indigenous Peoples, establish a mechanism for the participation of indigenous experts and representatives in the monitoring of ILO Conventions No. 169 and No. 107, regarding both State reports and indigenous peoples' claims.

14. The Permanent Forum decides to authorize a three-day international expert group workshop on indigenous peoples' rights, corporate accountability and the extractive industries and requests that the results of the meeting be reported to the Permanent Forum at its eighth session, in 2009. The report of that workshop can feed into the eighteenth and nineteenth sessions of the Commission on Sustainable Development, which will address the themes of mining, chemicals, waste management and sustainable consumption and production patterns, and contribute to the review by the eighteenth session of the Commission.

15. Considering that indigenous peoples are empowered to assume leadership in governments at various levels, particularly at the local level, the Permanent Forum urges the United Nations system, including the Department of Economic and Social Affairs, UNDP and all other relevant agencies, with the support of Member States and donor agencies, to implement, before the convening of its next session, a platform for indigenous local-local cooperation and the establishment of a network of indigenous local governments for information exchange and capacity-building on public administration, local socio-economic governance and participatory approaches to facilitate the implementation of the goals of Millennium Declaration and the United Nations development agenda at the local level among indigenous peoples in all regions.

16. The Permanent Forum requests that the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples identify the actions of

transnational corporations that may breach the inherent rights detailed in the Declaration on the Rights of Indigenous Peoples, and further invites them to present a report to the eighth session of the Permanent Forum, in 2009.

17. The Permanent Forum recommends that the Pacific Islands Forum create a mechanism for contributions by and participation of indigenous peoples' representatives in its meetings and related structures and activities.

**(b) Environment**

18. The Permanent Forum invites the United Nations Educational, Scientific and Cultural Organization and relevant Congo Basin States to provide at the eighth session of the Permanent Forum, in 2009, specific information on the biosphere reserves project and how they will incorporate the indigenous peoples of the Congo Basin and their respective associations into the implementation of the project.

19. The Permanent Forum urges relevant States of the Congo Basin region and the World Bank to enforce, expand and respect the moratorium on the new forest concessions in order to allow time to strengthen the capacities of indigenous peoples and civil society in the Congo Basin region, as well as local administration on new forest concessions, and to allow a participative zoning process in order to define and respect the areas that belong to the indigenous peoples for the preservation and sustainable management of the forests.

20. The Permanent Forum recommends the coordination, without financial obligations, of an expert group meeting on water to initiate a close review and assessment of water allocation, regulation and access policies that affect the rights and health of indigenous peoples and of future generations. That expert group meeting on water can explore and establish indicators of water well-being for indigenous nations and the world community, particularly in the light of increasing negative water impacts due to climate change.

21. The Permanent Forum decides to extend the appointment as Special Rapporteur of Michael Dodson, a member of the Forum, to prepare a paper on the relevant principles contained in the Declaration on the Rights of Indigenous Peoples, taking into account the provisions of ILO Conventions No. 169 and No. 107 that relate to indigenous land tenure and management arrangements, to assist indigenous peoples, States and United Nations agencies in negotiating indigenous land tenure and management arrangements and to present the paper at the eighth session of the Forum, in 2009.

22. The Permanent Forum applauds the effective participation mechanisms for indigenous peoples in such mechanisms as the Convention on Biological Diversity Working Group on article 8 (j) and related provisions and recommends that, in accordance with the Declaration on the Rights of Indigenous Peoples, such practices be extended to all critical areas of interest to indigenous peoples, such as the Working Group on Access and Benefit-sharing and in particular the Working Group on Protected Areas.

23. The Permanent Forum requests the secretariat of the Convention on Biological Diversity to complete its work on the draft code of ethical conduct for the recognition and protection of indigenous intellectual property and cultural heritage, taking into account the Declaration on the Rights of Indigenous Peoples, as a

minimum standard, with a view to adopting the code at the tenth meeting of the Conference of the Parties in 2010, the International Year of Biodiversity.

24. The Permanent Forum requests the secretariats of the Convention on Biological Diversity and the Permanent Forum to consult and collaborate with indigenous organizations to promote the role of indigenous peoples as stewards of biological and cultural diversity for the International Year of Biodiversity.

25. The Permanent Forum requests the secretariat of the Convention on Biological Diversity and the World Intellectual Property Organization to assist it in finalizing the study on sui generis systems based on customary laws for the protection of traditional knowledge with a view to advancing its protection.

26. The Permanent Forum recommends that the secretariat of the Convention on Biological Diversity explore ways of ensuring that traditional knowledge issues and indigenous peoples' rights are fully addressed in the development of an international regime on access- and benefit-sharing, welcomes the proposal of an indigenous expert meeting on traditional knowledge issues related to the international regime and requests the participation of some Permanent Forum members, as well as regional representation of indigenous experts, including indigenous female representatives.

27. The Permanent Forum welcomes the adoption of the Global Plan of Action for Animal Genetic Resources. It requests FAO to give priority to strategic priority No. 6 (support indigenous and local production systems and associated knowledge systems of importance to the maintenance and sustainable use of animal genetic resources), and to further develop relevant approaches to implement it, including rights-based approaches and payment for services that support the custodianship of local breeds by indigenous peoples.

### (c) Health

28. Considering the increasing impact of climate change on the health of indigenous peoples, particularly in terms of increased vulnerability to water-borne and vector-borne disease, the World Health Organization is encouraged to actively engage the Permanent Forum and its secretariat and establish a dialogue with a view to organizing a meeting on this issue in 2009.

### (d) Education

29. The Permanent Forum is profoundly concerned about the report of the Special Rapporteur on the right to education regarding the extensive child-labour practices in many States involving indigenous children, which represents a grave violation of their human rights, including their right to education.

### (f) Human rights

30. The Permanent Forum reiterates its concern about information brought to its attention on continuing violations of human rights of indigenous peoples in various parts of the world and calls upon all States to fully implement their obligations under the international human rights and humanitarian instruments. The Permanent Forum reiterates its call on States to recognize the rights of indigenous peoples constitutionally and legally, to strengthen their institutions for the promotion and

protection of the human rights of indigenous peoples and to enhance awareness-raising and capacity-building efforts for government officials.

31. The Permanent Forum takes note of the upcoming World Congress of Protected Areas, to be held in Barcelona in October 2008. The Permanent Forum reiterates its recommendation to the 2003 World Congress. The Permanent Forum requests that the United Nations Declaration on the Rights of Indigenous Peoples be duly considered in the deliberations and results of the World Congress on Protected Areas, and that its participating organizations address the issues of restitution and free, prior and informed consent of indigenous peoples for conservation activities affecting indigenous lands and territories, sacred sites and indigenous peoples' conservation activities.

32. The Permanent Forum urges all States, when addressing situations of violence and abuse within indigenous communities, to do so on a non-discriminatory basis and consistent with human rights standards, the principle of free, prior and informed consent and the full and effective participation of the indigenous peoples concerned.

United Nations E/C.19/2008/L.5

# Economic and Social Council

Distr.: Limited
29 April 2008

Original: English

**Permanent Forum on Indigenous Issues**
**Seventh session**
New York, 21 April-2 May 2008
Item 7 of the provisional agenda*
**Half-day discussion on indigenous languages**

1. It has been estimated that up to 90 per cent of the world's languages will become extinct within the next 100 years if current trends continue. An overwhelming majority of those languages are indigenous languages. Languages are not only a communication tool, but an intrinsic aspect of identity, traditional knowledge, systems of values, world views and tradition. Consequently, policies of assimilation that lead to the destruction of languages have often been considered a form of ethnocide or linguistic genocide. It is essential, not only for the preservation of linguistic and cultural diversity, but also for the preservation of traditional indigenous knowledge and biological diversity, to take immediate and effective measures to prevent the impending irretrievable loss that language extinction entails. This can be done only by guaranteeing indigenous peoples' right to self-determination and ensuring that all of their rights are protected and promoted.

2. The United Nations Declaration on the Rights of Indigenous Peoples and other relevant human rights standards should be utilized as the basis on which to develop policies and laws related to the promotion and strengthening of indigenous languages.

**Recommendations**

3. The Permanent Forum notes that the Nordic Saami Convention stands out as an example of good practice in empowering indigenous peoples to preserve and revitalize their languages. The Permanent Forum therefore encourages the Nordic States to support the process of the Saami Convention with a view to their adoption of it in due course.

4. The Permanent Forum invites the United Nations Educational, Scientific and Cultural Organization (UNESCO) to call jointly for a world conference on linguistic diversity, indigenous languages, identity and education. The United Nations Member States are encouraged to provide political and financial support for such a conference.

* E/C.19/2008/1.

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5. The Permanent Forum calls on States to immediately support indigenous peoples' language revitalization efforts. This includes supporting the master apprentice programmes and assessment of language status, and the creation of increased links between formal schools and the family so that there is a continuous use of indigenous languages.

6. The Permanent Forum welcomes the report of the international expert group meeting on indigenous languages, held in New York from 8 to 10 January 2008, and recommends that States and United Nations agencies engage with indigenous peoples to develop strategies to implement the recommendations of the report.

7. In particular, the Forum emphasizes the recommendations from the expert group meeting contained in paragraphs 40 (c), (d), (e), (f) and (n), 42 (a), (b), (c) and (f), 43 (b), 44 (b) and (c) and 45 of its report (E/C.19/2008/3).

United Nations E/C.19/2008/L.6

Economic and Social Council

Distr.: Limited
30 April 2008

Original: English

**Permanent Forum on Indigenous Issues**
**Seventh session**
New York, 21 April-2 May 2008
Items 8, 9 and 10 of the provisional agenda*

**Ongoing priorities and themes and follow-up**

**Future work of the Permanent Forum, including emerging issues**

**Draft agenda for the eighth session of the Permanent Forum**

# Ongoing priorities and themes, future work and draft decisions of the Permanent Forum

## I. Ongoing priorities and themes

### A. Indigenous children and youth

1. The Permanent Forum welcomes the recognition by the United Nations Children's Fund (UNICEF) of the valuable contributions indigenous children and youth can make in their local communities to ensure the sustainability of climate change adaptation and mitigation plans. The Forum urges the Fund to continue to raise awareness of the impact of climate change on indigenous children and youth and requests that it ensure the effective participation of indigenous youth in the discussions on and solutions to environmental issues in accordance with article 12 of the Convention on the Rights of the Child.

2. The Permanent Forum expresses its appreciation to the Indigenous Youth Caucus and calls for its continued, effective participation in the sessions of the Forum, as well as in other decision-making processes concerning indigenous peoples' rights. The Forum requests its secretariat and the United Nations Youth Unit in the Department of Economic and Social Affairs to continue facilitating the involvement of the Youth Caucus in its annual sessions.

* E/C.19/2008/1.

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### B. Second International Decade of the World's Indigenous People

3. The Permanent Forum welcomes as a major achievement of the Second International Decade of the World's Indigenous People the adoption of the United Nations Declaration on the Rights of Indigenous Peoples.

4. The Permanent Forum also welcomes the recent adoption of the United Nations Development Group Guidelines for Indigenous Peoples' Issues, which will bring the United Nations normative framework on indigenous peoples to the field level and contribute to the implementation of the goals and objectives of the Decade as well as of the United Nations Declaration on the Rights of Indigenous Peoples. The Forum encourages the United Nations system to support the Guidelines with a programme of action and calls upon the donor community to provide resources to that effect. The Forum also calls upon the Inter-Agency Support Group on Indigenous Issues to review and revise the Guidelines in light of the adoption of the Declaration.

5. The Permanent Forum notes the valuable work carried out by indigenous communities and organizations thanks to the support of the trust fund in support of the Second International Decade and expresses its deep appreciation to the States that have contributed to the fund. However, the Forum deplores the fact that despite increasing project proposals, the funds available for grants have been diminishing. The Forum therefore strongly appeals to all States, the United Nations system and foundations and other donors to make generous contributions to the trust fund in support of the Second International Decade.

6. The Permanent Forum takes note of the declaration of the recent International Indigenous Women's Forum, held in Lima from 13 to 16 April 2008, and recommends that United Nations agencies, donors and States show their support and cooperation for the next International Indigenous Women's Forum, to be held in Colombia in 2011.

## II. Future work of the Permanent Forum

7. The Permanent Forum welcomes the establishment in Bolivia in 2006 of the National Council for Dialogue among indigenous peoples and the United Nations system. The Forum notes that the work of the consultative group is consistent with the mandate of the Forum and therefore recommends that this good example be replicated in other countries, in accordance with the United Nations Declaration on the Rights of Indigenous Peoples.

8. The Permanent Forum recommends that United Nations country teams involve members of the Forum in dialogue processes with indigenous peoples.

9. The Permanent Forum notes the proposed Celebrate Life through Sports and Culture within the World Indigenous Nations (WIN) Games and Sports, to be held in Winnipeg, Canada, in August 2012. The Forum encourages indigenous peoples, nations and Member States to support the continuing development of sports, traditional games and culture.

10. The Permanent Forum welcomes the report on the International Workshop on Perspectives of Relationships between Indigenous Peoples and Industrial Corporations (E/C.19/2008/5/Add.6), organized jointly by the Administration of the

Yamalo-Nenets Autonomous Region, the Russian Association of Indigenous Peoples of the North, Siberia and the Far East and the secretariat of the Permanent Forum on Indigenous Issues, with support from the Public Chamber of the Russian Federation, held in Salekhard, Russian Federation, on 2 and 3 July 2007, and calls upon States to fully support and accept the recommendations contained in the report.

11. The Permanent Forum decides to appoint Carlos Maman Condori, Elisa Canqui Mollo and Pavel Sulyandziga, members of the Forum, as special rapporteurs to conduct a study, without financial implications, on indigenous peoples and corporations. The study will examine the existing mechanisms and practices, review policies on indigenous peoples, examine good practices and submit a report to the Forum at its eighth session in 2009. The Forum calls upon indigenous peoples' representatives, States, corporations, international financial institutions and the United Nations system, in particular the United Nations Development Programme and the Global Compact, to engage in active cooperation with the special rapporteurs.

12. With regard to paragraph 139 of the report of the Permanent Forum on its sixth session (E/2007/43), the Forum calls upon Governments, indigenous peoples organizations, regional administrations and local self-governance organs of the countries of the Arctic region to take an active part in the discussion on the Arctic region at the eighth session of the Forum. The Forum urges the board of trustees of the Voluntary Fund for Indigenous Populations to give special consideration to applications from indigenous participants from the Arctic region.

13. The Permanent Forum takes note of the report on the International Seminar on Indigenous Peoples and the Environment, organized jointly by the Administration of the Khabarovsk Krai, the Russian Association of Indigenous Peoples of the North, Siberia and the Far East and the secretariat of the Permanent Forum on Indigenous Issues, with support from the Public Chamber of the Russian Federation, held in Khabarovsk, Russian Federation, in September 2007, and endorses the recommendations contained in the report.

14. The Permanent Forum invites the Special Rapporteur on violence against women, the Special Rapporteur on the right to food and the Special Rapporteur on the right to development to attend the eighth session of the Forum.

15. The Permanent Forum decides to hold a half-day region-specific discussion on North America at its ninth session in 2010.

16. The Permanent Forum also decides to hold a half-day discussion on indigenous peoples and forests at its ninth session.

## III. Draft decisions recommended by the Permanent Forum for adoption by the Economic and Social Council

17. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

## Draft decision I
## International expert group meeting on the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples

The Economic and Social Council decides to authorize a three-day international expert group meeting on the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples, and requests that the results of the meeting be reported to the Permanent Forum on Indigenous Issues at its eighth session.

## Draft decision II
## Venue and dates of the eighth session of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that the eighth session of the Permanent Forum on Indigenous Issues shall be held at United Nations Headquarters in New York from 18 to 28 May 2009.

## Draft decision III
## Provisional agenda and documentation for the eighth session of the Permanent Forum on Indigenous Issues

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the Permanent Forum on:
   (a) Economic and social development;
   (b) Indigenous women;
   (c) Second International Decade of the World's Indigenous People.
4. Human rights:
   (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
   (b) Dialogue with the Special Rapporteur on the human rights and fundamental freedoms of indigenous peoples and other special rapporteurs.
5. Half-day discussion on the Arctic region.
6. Comprehensive dialogue with six United Nations agencies and funds.
7. Future work, including Economic and Social Council issues and emerging issues.
8. Draft agenda for the ninth session of the Permanent Forum.
9. Adoption of the report of the Permanent Forum on its eighth session.

United Nations E/C.19/2008/L.7

Economic and Social Council

Distr.: Limited
30 April 2008

Original: English

**Permanent Forum on Indigenous Issues**
**Seventh session**
New York, 21 April-2 May 2008
Agenda items 4.1 and 5

**Implementation of the United Nations Declaration on the Rights of Indigenous Peoples**

**Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people and other special rapporteurs**

# Recommendations on the implementation of the United Nations Declaration on the Rights of Indigenous Peoples

1. The Permanent Forum on Indigenous Issues expresses its profound appreciation to H.E. Evo Morales Ayma, President of Bolivia, for his presence and welcomes his intervention as the first Head of State to address a session of the Permanent Forum on Indigenous Issues. The Permanent Forum also welcomes President Morales's leadership in the promotion and implementation of the United Nations Declaration on the Rights of Indigenous Peoples (General Assembly resolution 61/295, annex).

2. The Permanent Forum hails the adoption of the United Nations Declaration on the Rights of Indigenous Peoples by the General Assembly. The 13th of September 2007 is a historic day for the United Nations, indigenous peoples and States and marks the beginning of a new era of renewed partnerships for the promotion and protection of the human rights of all indigenous peoples and each indigenous person around the world. The Permanent Forum notes its new responsibility under the Declaration and pledges its commitment to making it a living document throughout its work. The Permanent Forum thus invites the international community as a whole, States, indigenous peoples, non-governmental organizations, the private sector, academia and the media to promote the Declaration and apply it in their policies and programmes for the improvement of indigenous peoples' well-being around the world.[1]

[1] Article 42 of the Declaration states: "The United Nations, its bodies, including the Permanent Forum on Indigenous Issues, and specialized agencies, including at the country level, and States shall promote respect for and full application of the provisions of this Declaration and follow up the effectiveness of this Declaration".

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3. The Permanent Forum expresses its deep appreciation to its two former members, Ida Nicolaisen and Wilton Littlechild, who, in accordance with the mandate given to them by the Permanent Forum at its sixth session, prepared a study (E/C.19/2008/2) that addresses, inter alia, the way to implement the new mandate of the Permanent Forum under article 42 of the Declaration.

4. The Permanent Forum decides to hold an international expert group meeting to discuss in greater detail the way in which the Forum should address its mandate under article 42 of the Declaration.

5. The Permanent Forum notes the recommendations of the study to coordinate with the Human Rights Council through the new expert mechanism on the rights of indigenous peoples and to propose the establishment, within the Permanent Forum itself, of a chamber on the United Nations Declaration on the Rights of Indigenous Peoples.

6. The Permanent Forum affirms that the United Nations Declaration on the Rights of Indigenous Peoples will be its legal framework. The Permanent Forum will therefore ensure that the Declaration is integrated in its own recommendations on the seven substantive mandated areas — economic and social development, environment, health, education, culture, human rights and the implementation of the Declaration — as well as in the Permanent Forum's work under the special theme for each session and in its ongoing themes and priorities.

7. Furthermore, the Permanent Forum will promote a constructive dialogue with Governments on the achievements, challenges and future action required in relation to indigenous peoples' issues in each country under the Declaration. Such dialogue will take place periodically and enlist the participation of indigenous organizations as well as the United Nations system. The discussion will create an enabling environment of cooperation at the national and international levels, aiming at practical results on the ground.

8. The Permanent Forum calls for the cooperation of all States, indigenous peoples, the United Nations system and other intergovernmental organizations in its task of ensuring that the Declaration reaches indigenous peoples in their communities by appropriate dissemination of the text in indigenous peoples' own languages. In this connection the Permanent Forum welcomes the measures decided upon by the Inter-Agency Support Group on Indigenous Issues for the dissemination of the Declaration.

9. The Permanent Forum wishes to express its appreciation to the Inter-Agency Support Group for its contribution to the work of the Permanent Forum, and encourages all United Nations agencies to join the Group, particularly those whose area of work is of special relevance for the rights and well-being of indigenous peoples, such as the World Health Organization.

10. The Permanent Forum requests that the Special Representative of the Secretary-General on the issue of human rights and transnational corporations and other business enterprises and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people identify the actions of transnational corporations which may breach the inherent rights detailed in the Declaration on the Rights of Indigenous Peoples and invites them to present a joint report to the Permanent Forum at its eighth session in 2009.

11. The Permanent Forum requests that the specialized agencies of the United Nations, in accordance with articles 41 and 42 of the Declaration on the Rights of Indigenous Peoples, review their policies and programmes in order to comply with the provisions contained in the Declaration ensuring respect for the right to self-determination of indigenous peoples and the right to free, prior and informed consent.

12. The Permanent Forum, the expert mechanism on the rights of indigenous peoples and the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people should evaluate whether existing and proposed climate change policies and projects comply with the standards set by the Declaration on the Rights of Indigenous Peoples. These bodies, together with the members of the Inter-Agency Support Group on Indigenous Issues, should collaborate with States and indigenous peoples to effectively ensure that the implementation of the Declaration is central to the design and implementation of climate change policies and programmes.

13. The Permanent Forum expresses its appreciation to the Member States which have already submitted information to it over the years and encourages all States to submit substantive information on measures taken to implement the United Nations Declaration on the Rights of Indigenous Peoples.

14. The Permanent Forum recommends that intergovernmental organizations such as the Commonwealth Secretariat and the Secretariat of the Ibero-American Summit, in cooperation with indigenous peoples, establish a working group to promote the implementation of the United Nations Declaration on the Rights on Indigenous Peoples and the Plan of Action of the Second International Decade of the World's Indigenous People.

15. The Permanent Forum welcomes the ruling of the Inter-American Court of Human Rights in the case of *Saramaka People* vs. *Suriname* (28 November 2007), which aptly applies the United Nations Declaration on the Rights of Indigenous Peoples. The Permanent Forum urges the Working Group of the Organization of American States which is elaborating the draft American declaration on the rights of indigenous peoples to consider the United Nations Declaration on the Rights of Indigenous Peoples as the minimum standard.

16. The Permanent Forum welcomes the decision of Bolivia to make the United Nations Declaration on the Rights of Indigenous Peoples national law and to include it in the Constitution approved by the Constituent Assembly. The Permanent Forum encourages Ecuador and Nepal to give due consideration to the United Nations Declaration on the Rights of Indigenous Peoples in their current constitutional processes.

17. The Permanent Forum, in accordance with article 26 of the United Nations Declaration on the Rights of Indigenous Peoples (the right to the lands, territories and resources which the indigenous peoples have traditionally owned, occupied or otherwise used or acquired), requests States, United Nations agencies, churches, non-governmental organizations and the private sector to fully respect the property rights of indigenous peoples in voluntary isolation and initial contact in the Amazon and the Paraguayan and Bolivian Chaco.

18. The Permanent Forum recommends that the United Nations system promote understanding of the United Nations Declaration on the Rights of Indigenous

Peoples among decision makers, public officials, justice systems, national human rights institutions and non-governmental organizations.

19. The Permanent Forum recommends that national human rights institutions and other relevant national and regional bodies, including the African Commission on Human and Peoples' Rights, promote the rights of indigenous peoples and monitor the implementation of the United Nations Declaration on the Rights of Indigenous Peoples, and ensure that the international standards on indigenous peoples' rights are translated into national laws.

**Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people**

20. The Permanent Forum expresses its gratitude to Rodolfo Stavenhagen for his many and significant contributions to the advancement of the human rights of indigenous peoples during his tenure as Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people.

21. The Permanent Forum congratulates James Anaya on his appointment as Special Rapporteur on the situation of the human rights and fundamental freedoms of indigenous people. The Permanent Forum looks forward to working closely with Mr. Anaya in continuing to address the many urgent human rights issues faced by indigenous peoples and in taking forward the implementation of the United Nations Declaration on the Rights of Indigenous Peoples.

22. The Permanent Forum recommends that the United Nations system continue to build the capacities of indigenous peoples' organizations and to develop their knowledge and skills to defend their rights through training and consultations.

23. The Permanent Forum is concerned about legislative and regulatory processes that criminalize the establishment and management of community radio stations. The Permanent Forum encourages States to expressly recognize community media in their domestic law and to adopt effective actions to enforce the right of indigenous peoples and communities to have their own media.

24. The Permanent Forum recommends that the Office of the United Nations High Commissioner for Human Rights and relevant United Nations agencies and organs establish specific units for indigenous peoples' issues to contribute to the implementation of the Declaration in accordance with articles 41 and 42.

25. The Permanent Forum recommends that States include representatives of indigenous peoples in the national consultation process for the preparation of national reports to be submitted to the Human Rights Council for universal periodic review.

26. The Permanent Forum recommends that the Human Rights Council include the United Nations Declaration on the Rights of Indigenous Peoples as a normative basis for universal periodic review.

27. The Permanent Forum recommends that the Office of the United Nations High Commissioner for Human Rights, the United Nations Institute for Training and Research and other relevant United Nations agencies and offices provide training on the universal periodic review process for and with indigenous peoples.

28. The Permanent Forum requests that the Special Representative of the Secretary-General on human rights defenders conduct a specific study on the situation of indigenous human rights defenders and submit a report to the Permanent Forum at its eighth session.

United Nations E/C.19/2008/L.8

# Economic and Social Council

Distr.: Limited
2 May 2008

Original: English

**Permanent Forum on Indigenous Issues**
**Seventh session**
New York, 21 April-2 May 2008
Agenda item 11
**Adoption of the report of the Forum on its seventh session**

## Draft report

*Rapporteur*: Mr. Michael **Dodson**

## Chapter I
## Matters calling for action by the Economic and Social Council or brought to its attention

### A. Draft decisions recommended by the Forum for adoption by the Council

1. The Permanent Forum on Indigenous Issues recommends to the Economic and Social Council the adoption of the following draft decisions:

### Draft decision I
### International expert group meeting on the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples

The Economic and Social Council decides to authorize a three-day international expert group meeting on the implementation of article 42 of the United Nations Declaration on the Rights of Indigenous Peoples and requests that the results of the meeting be reported to the Permanent Forum at its eighth session.

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### Draft decision II
### Venue and dates of the eighth session of the Permanent Forum on Indigenous Issues

The Economic and Social Council decides that the eighth session of the Permanent Forum on Indigenous Issues shall be held at United Nations Headquarters in New York from 18 to 29 May 2009.

### Draft decision III
### Provisional agenda and documentation for the eighth session of the Permanent Forum on Indigenous Issues

1. Election of officers.
2. Adoption of the agenda and organization of work.
3. Follow-up to the recommendations of the Permanent Forum on:
   (a) Economic and social development;
   (b) Indigenous Women;
   (c) Second International Decade of the World's Indigenous People.
4. Human rights:
   (a) Implementation of the United Nations Declaration on the Rights of Indigenous Peoples;
   (b) Dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other special rapporteurs.
5. Half-day discussion on the Arctic.
6. Comprehensive dialogue with six United Nations agencies and funds.
7. Future work of the Permanent Forum, including issues of the Economic and Social Council and emerging issues.
8. Draft agenda for the ninth session of the Permanent Forum.
9. Adoption of the report of the Permanent Forum on its eighth session.

## B. Matters brought to the attention of the Council

2. The Permanent Forum has identified the proposals, objectives, recommendations and areas of possible future action set out below and, through the Council, recommends that States, entities of the United Nations system, intergovernmental organizations, indigenous peoples, the private sector and non-governmental organizations assist in their realization.

3. It is the understanding of the Secretariat that the proposals, objectives, recommendations and areas of possible future action to be carried out by the United Nations, as set out below, will be implemented to the extent that resources from the regular budget and extrabudgetary resources are available.

# Chapter II
# Venue, dates and proceedings of the session

4. By its decision 2007/245, the Economic and Social Council decided that the seventh session of the Permanent Forum would be held at United Nations Headquarters from 21 April to 2 May 2008.

5. At its 1st to 4th meetings, on 21 and 22 April 2008, the Permanent Forum considered agenda item 3, "Special theme: 'Climate change, biocultural diversity and livelihoods: the stewardship role of indigenous peoples and new challenges'". At its 15th and 16th meetings, on 2 May, the Forum considered and adopted its recommendations submitted under agenda item 3 (see chap. I, sect. B).

6. At its 5th meeting on 23 April 2008, the Permanent Forum considered item 6, "Half-day discussion on the Pacific". At its 15th and 16th meetings, on 2 May, the Forum considered and adopted its recommendations submitted under agenda item 6 (see chap. I, sect. B).

7. At its 6th meeting, on 24 April, the Forum considered agenda item 4, "Implementation of recommendations on the six mandated areas of the Permanent Forum and on the Millennium Development Goals", and sub-items (a) through (f):

(a) Economic and social development;

- Follow-up paper on oil palm and other commercial tree plantations, monocropping: impacts on indigenous peoples' land tenure and resource management systems and livelihoods
- Papers on indigenous peoples and relevant thematic issues relating to sustainable development

(b) Environment;

- Paper on the relevant principles contained in the Declaration on the Rights of Indigenous Peoples, taking into account the provisions of International Labour Organization Convention No. 169 that relate to indigenous land tenure and management arrangements, to assist indigenous peoples, States and United Nations agencies in negotiating indigenous land tenure and management arrangements

(c) Health;

(d) Education;

(e) Culture;

(f) Human rights.

The Forum considered and adopted, as orally amended, its recommendations submitted under agenda item 4 and sub-items (a) to (f) at its 15th and 16th meetings, on 2 May (see chap. I, sect. B).

8. At its 7th meeting, on 25 April, the Forum considered agenda item 7, "Half-day discussion on indigenous languages". At its 15th and 16th meetings, on 2 May, the Forum considered and adopted, as orally amended, its recommendations submitted under agenda item 7 (see chap. I, sect. B).

9. At its 8th to 10th meetings, held on 28 and 29 April, the Forum considered agenda item 5, "Human rights: dialogue with the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous peoples and other special rapporteurs" and agenda item 4.1, "Implementation of the United Nations Declaration on the Rights of Indigenous Peoples". At its 15th and 16th meetings, on 2 May, the Forum considered and adopted, as orally amended, its recommendations submitted under agenda items 5 and 4.1 (see chap. I, sect. B).

10. At its 11th meeting, on 30 April, the Forum considered agenda item 8, "Ongoing priorities and themes and follow-up: (a) Indigenous children and youth; (b) Second International Decade of the World's Indigenous People; (c) Urban indigenous peoples and migration". At its 15th and 16th meetings, on 2 May, the Forum considered and adopted its recommendations, as orally amended, submitted under agenda item 8 (see chap. I, sect. B).

11. At its 12th and 13th meetings, on 30 April and 1 May, the Forum considered agenda item 9, "Future work of the Permanent Forum, including emerging issues". At its 15th and 16th meetings, on 2 May, the Forum considered and adopted its draft decisions and recommendations submitted, as orally amended, under agenda item 9 (see chap. I, sect. A, draft decisions I and II, and sect. B).

12. At its 14th meeting, on 1 May, the Forum considered agenda item 10, "Draft agenda for the eighth session of the Permanent Forum". At its 16th meeting, on 2 May, the Forum considered and adopted, as orally amended, its draft decision submitted under agenda item 10 (see chap. I, sect. A, draft decision III).

# Chapter III
# Adoption of the report of the Permanent Forum on its seventh session

13. At its 15th and 16th meetings, on 2 May, the Rapporteur introduced the draft decisions and recommendations as well as the draft report of the Permanent Forum on Indigenous Issues on its seventh session.

14. At the 16th meeting, on 2 May, the Permanent Forum adopted the draft report, as orally amended.

# Chapter IV
# Organization of the session

## A. Opening and duration of the session

15. The Permanent Forum held its seventh session at United Nations Headquarters from 21 April to 2 May 2008. It held 16 formal meetings to consider items on the agenda and two informal meetings for consultations among members of the Forum.

16. At its 1st meeting, on 21 April, the seventh session was opened by the Assistant Secretary-General for Economic Development. At the opening ceremony, Tracy Shenandoah, of the Onondaga Nation, United States of America, offered words of blessing to the session.

17. At the same meeting, the Secretary-General of the United Nations made a video statement. Statements were also made by the President of Bolivia, the President of the Economic and Social Council, the Assistant Secretary-General for Economic Development, the Deputy Secretary, Department of Families, Housing, Community Services and Indigenous Affairs, Australia, and the Executive Director, International Fund for Agricultural Development.

18. Also at the same meeting, a statement was made by Victoria Tauli-Corpuz, Chairperson of the seventh session of the Forum.

19. At the 13th meeting, on 1 May, the Forum heard statements made by the President of the General Assembly and the Under-Secretary-General for Economic and Social Affairs.

## B. Attendance

20. Members of the Forum and representatives of Governments, United Nations entities, intergovernmental organizations and bodies and non-governmental and indigenous organizations attended the session. The list of participants is contained in E/C.19/2008/Inf.2.

## C. Election of officers

21. At its 1st meeting, on 21 April, the Forum elected the following members of the Bureau by acclamation:

*Chairperson*:
Victoria **Tauli-Corpuz**

*Vice-Chairpersons*:
Carlos Mamani **Condori**
Tonya Gonella **Frichner**
Lilian Muzangi **Mbela**
Pavel **Sulyandziga**

*Rapporteur*:
Michael **Dodson**

## D. Agenda

22. At its 1st meeting, on 21 April, the Forum orally revised the provisional agenda as contained in document E/C.19/2008/1.

## E. Documentation

23. A list of the documents before the Forum at its seventh session is contained in document E/C.19/2008/INF/1.